

WILDWOOD CREST LAND USE BOARD MEETING
ZONING BOARD OF ADJUSTMENT
Meeting Minutes – 21 December 2021
Borough Hall, 6101 Pacific Avenue

Rob Belasco called the meeting to order at 5:00 pm and led the Pledge of Allegiance, read the Open Public Meetings Act and announced emergency exits.

Secretary Duffy took roll call: Bernstein, present; Bumbernick, present; Levy, absent; Mettler, present; Rosenfeld, present, Stuart, absent; Tenaglia, present, Franco, present; Vodges, present. Acting Solicitor Rob Belasco, Esq., present; Board Engineer, Joseph Mohnack, present; Secretary Duffy, present. A quorum was declared.

Minutes from the meeting of 16 November 2021 were distributed for review and approval or correction. Bernstein moved to approve the minutes; Rosenfeld provided the second. Roll call: yes; Vodges, yes; Bernstein, yes; Tenaglia, yes; Franco yes, Minutes approved as distributed.

There were two applications to come before the board:

ZB-21-11-01: Kirk and Deborah Volm, owner of the property located at 206 E. Preston Ave, a/k/a blk 145, lots 23 & 24.01; located in the R-2 Zone, seeking "c"2 variance relief for Expansion of front porch with proposed 2.2' encroachment into front yard setback. Applicant represented by Andrew D. Catanese, Esq. who provided an overview of the application to the Board. The property is 50 ft x 80 ft currently a duplex in the R-2 zone. Applicant would like to raise home to meet BFE requirement, add 2nd floor addition and convert home to Single Family, all listed changes would be conforming. Applicant would also like to add front porch which would encroach front yard 2.2 ft of the required 10 ft setback. Matthew Sprague sworn in as RA on behalf of the applicant. Mr. Sprague stated dwelling is currently a duplex and will be converted into a single family with the 2nd floor addition. All height and coverages with the changes will be conforming. The front porch to be added would encroach 2.2 feet in the front yard which exceeds lot coverage, the steps would be to the side so as not to encroach anymore then the 7.8ft proposed. Mr. Catanese proposed Exhibit A for review which included 3 photographs which reflects what is existing on the property currently. The new porch would have a roof but would not impede views. Mr. Catanese also addressed parking which is currently 4 spaces 2 stacked – with changing to single-family off-street parking would be compliant. Exhibit A-2 presented by Mr. Sprague due to Mr. Mettler asking to review are architectural elevations of which a copy will need to be submitted to Board Secretary. Board Engineer Joe Mohnack reviewed the application and listed conditions for approval. Meeting was open to the public, no public comments. Board Attorney Rob Belasco provided the findings of fact to the Board, acceptance of the fact of finding Vogdes motioned, and Tenaglia seconded: Mettler, yes, Rosenfeld yes, Franco yes, Bernstein yes, Bumbernick yes.

Board agrees the changes would be right for the neighborhood, but the new porch would be too close to the curb and is not required to make the house look nice and could build a porch in compliance. Mr. Rosenfeld motioned for the vote, Mr. Bernstein second, Mr. Mettler No, Mr. Rosenfeld Yes, Mr. Vogdes No, Mrs. Franco No, Mr. Bernstein Yes, Mr. Tenaglia No, Mr. Bumbernick Yes. Application is Denied.

ZB-21-12-02 KH-NJ Ventures owner of the property located at 407 East Miami Avenue, a/k/a blk 117.02, lot 9, located in M-1B zone seeking broad "c" variance to construct a duplex with variances for side yard setback, building height and width of third floor deck. Applicant is represented by Andrew D Catanese, Esq.: Vacant lot 68 by 9 b block of Miami Ave zone covers motels, duplexes single family homes. Lot is conforming for a duplex construction. Owner wants to construct 2 separate single-family homes connected by a breezeway which would make this construction duplex, building height less than 10 percent of the c variance width of third floor decks. Error on application noted pertaining to subdivision application denied in Planning for 2

single family lots. Will submit resolution if needed. Per Attorney Rob Belasco will not need to submit resolution.

Mr. Sprague still sworn in from prior application; In order to remain a duplex a breezeway will connect both buildings. Garage will allow for parking for off street 3 spaces. First 2 floors will be bedrooms and 3rd floor will be living space. Lot could support 3 units which would only need a variance for lot width. Single Families are preferable to duplexes as it pertains to ordinance. work as a duplex Conform to modulation of the walls, front and back are under 20 feet so it does not require a recess or projection. They used projection on side walls, having the projection out is a benefit to exterior elevations because it changes the roof line. Side yard setback 5.9 feet is only measured to the face of the projection the main part of the house is 7.9 feet 8 feet is conforming. In between buildings 10 feet measured to projection houses themselves will be 14 feet side yard setbacks meet minimum. Benefit of this creates more space between houses and keeps main part of the house away from the side yard setback. The building itself set back is conforming for front yard setback. Elevations Exhibit A-1 need copy. Picture of duplex across the street from vacant lot. Variance of house was for modulation of walls. Exhibit A-2 rendering of the proposed houses that shows the breezeway connection. Main part of house will be setback from adjacent house. Variance for height proposed height is 42.1 feet. Few inches shorter from house across the street. Height will be a benefit to the neighborhood. Height variance is so each level could have 9 ft ceilings add 8 inches to the garage more height for mechanical storage. Maximum allowable height is 39 feet just 2 feet difference. 3-unit buildings allowable height is 65 feet. Outside showers and trash enclosures already included in footprint, so other variances would not be needed. Variance for extended deck to whole length of house. Consistent with other houses in neighborhood. Side yard setbacks are needed to preserve the space in between the buildings. Side yard setbacks are non-conforming less than an inch. 10 feet between projections and 14 feet between buildings as benefit from side yard setback. Helps with light air and open space. Project promotes appropriate calculation density, using creative development techniques.

Move to questions and comments from the board. Distance between buildings where elevators are the distance is 14 feet and 10 feet from projections. Professionals for comments Board Engineer Joe Mohnack lists conditions of approval are provide proposed existing curb elevations in conformance with NJDOT standards, obtain borough street opening permit and asphalt detail restoration detail, roof pitch not indicated – will it meet 5 1 1/12 driveway and curb cut detail will need to be provided and meet standards. Open to public comment. No public comment.

Summary from Andrew Catanese stated they took the Planning Board comments and did not create undersize lots space between buildings. Created open space and height is appropriate for street. Findings of Fact by Board Attorney Robert Belasco accepted motioned Mr. Tenaglia seconded Mr. Vogdes, Mr. Mettler yes, Mr. Rosenfeld yes, Mrs. Franco yes, Mr. Bernstein yes, Mr. Bumbernick yes, Mr. Tenaglia yes, Mr. Vogdes yes.

Board Deliberation: Setbacks are there for a reason, breezeway in between two buildings make a duplex with only 2 feet change to be conforming. Brought buildings together could make more room in homes and would not have to be so close to setbacks. Little changes would make building conforming. And wouldn't encroach on neighbor's Any zoning requirements for distance of homes from each other for fire reasons? Access for fire departments acceptable? Code requirement wall must be fire rated if less than 5 feet if less than 3 feet need fire rated walls and no windows. Complying with modulation of walls is within borough requirements. Clarification of 1 building or 2 building Robert Belasco said considered 1 building, requirement for bump outs? Mr. Bumbernick likes to see new designs to freshen up the Crest, but this is a vacant lot and doesn't think this construction is what the space should be. Having a vacant lot and keeping with old way of just putting up houses without care of setbacks, would like to stay with setbacks. Likes design just doesn't see the vision. Mr. Vogdes agrees.

Andrew Catanese requests 4-minute recess. Request adjournment to reassess construction of building. Approve it subject with compliant setbacks and buildings together or adjourn to re-design to bring back to the board if required i.e.: height and setbacks.

Board deliberates adjournment or acceptance of moving buildings closer to remove side yard setbacks with plans to follow. Closer Buildings bring up Fire related questions, projections would need to be fire related and when 6 feet apart instead of 10 feet would only need walls to be fire rated. 3 stories are built to 5a construction where walls will be fire rated as well as floors. Board agrees building should be built as a Duplex without breezeway Would like to table application for new design submittal instead of approval without revised plans of closer buildings, not inclined for verbal changes instead of looking at new plans. Does not like look of duplex across the street. drawings look good but does not look that way when construction is complete. Would like to see change if that is what will be considered. Creative but not for zone to make fit as opposed to duplex envisioned for zoning laws that were created.

Andrew Catanese would like to adjourn application. Motion to adjourn application and to be reheard to 1/18/2022. No further notices or advertisement to be required. Mr. Tenaglia motioned, Mrs. Franco second vote Mettler yes, Mr. Rosenfeld yes, Mr. Vogdes yes, Mrs. Franco yes, Mr. Bernstein yes, Mr. Tenaglia yes, Mr. Bumbernick yes. Application Adjourned.

There are no administrative resolutions

Under old business.

Planning board is re-examining the master plan still in subcommittee phase publicly noticed hearing will be in Feb or March

Under new business

Mrs. Franco last meeting

No Public Comments

The next regular board meeting is scheduled 18 January 2022, there is one application to come before the board on that date.

On motion of Vogdes, second Franco, meeting adjourned by affirmative voice vote.

Karen Duffy
Zoning Board Secretary